

REMARKS

Claims 33-51 are pending in the present application. Claims 33, 42, 48 and 49 have been amended. Claim 50 has been canceled. Reconsideration of the claims is respectfully requested.

35 U.S.C. §112, First paragraph

The Examiner has rejected claims 33-51 under 35 USC §112, first paragraph, as failing to comply with the enabling requirement. This rejection is respectfully traversed.

In rejecting the claims, the Examiner writes:

The claims contain “the SIM independently monitors the duration of wireless service used by the mobile device and decreases the amount of available time units in memory accordingly, and wherein the SIM disconnects the mobile device from the wireless service if the amount of available time units reaches zero.” It is not understood how a memory can do the functions of a processor. It is not found in the specification that the SIM includes a processor.

The claims have been amended to specify that it is the prepaid application stored on the SIM card that carries out the functions recited in the claims. Support for this feature is found in paragraphs 62-64 of the present application:

[0062] Initially, a call attempt message 610 is received from the mobile unit 110 by the prepaid application. It should be noted that the prepaid application in the context of FIG. 6 refers to **the prepaid application stored on the mobile unit 110 (or a SIM card in the mobile unit 110)**. The prepaid application verifies the mobile unit 110 has time authorized and transmits an authorization message to the mobile unit 110.

[0063] Thereafter, the mobile unit 110 establishes the call with the wireless carrier. During the call, the mobile unit 110 and **the prepaid application monitors the duration of the call and verifies that the duration of the call does not exceed the time authorized**, as indicated by messages 616-620. The time period between messages 616-620 may be based upon a fixed time, variable time, an event, or the like. In an embodiment, for example, the status may be checked every 30 seconds.

[0064] Message 622 indicates that in response to the status message 620, the prepaid application determined that the call duration exceeded the authorized time, and as a result, **the prepaid application has instructed mobile unit 110 to disconnect the call**. In response, the mobile unit 110 and the wireless carrier exchange messages to tear down the call.

The SIM card does not have a processor per se. However, the SIM does not need a processor in order for the prepaid application to execute the functions recited in the claims. It is well known in the art that SIM card functionality extends beyond merely acting as passive memory and includes the ability to initiate actions which can be used for various value added services. The SIM Application Toolkit (STK) (defined in the GSM 11.14 and 3GPP 31.111 standards) is a set of commands on the handset which define how applications on the SIM interact with the outside world and extend the communication protocol between the SIM card and the mobile device. STK was developed as a way of running applications in the SIM card itself and gives the SIM card a proactive role with the mobile device, allowing the SIM to initiate commands independently of the mobile device and network. This standard was defined in the mid 1990's and has become the industry standard for SIM technology related to value added services such as mobile banking and content browsing and as such is very well known in the art.

The application for the present invention was written on the assumption that the use of STK to run applications on a SIM card was already ubiquitous in the art and therefore did not require explicit recitation within the specification, analogous to the use of TCP/IP for Internet related inventions.

Therefore, it is respectfully asserted that the enablement requirements of 35 USC §112, first paragraph, have been satisfied and that the claims are now in condition for allowance.

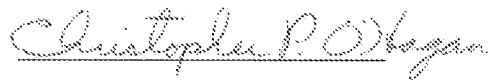
Conclusion

It is respectfully urged that the subject application is now in condition for allowance.

The examiner is invited to call the undersigned at the below-listed telephone number if in the opinion of the examiner such a telephone conference would expedite or aid the prosecution and examination of this application.

DATE: August 28, 2008

Respectfully submitted,

A handwritten signature in cursive script that reads "Christopher P. O'Hagan". The signature is written in dark ink and is positioned above the printed name and address.

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